

# Montague Conservation Commission

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## MEETING MINUTES

Thursday, July 14, 2016 – 6:30 pm

Upstairs Meeting Room, Town Hall, One Avenue A, Turners Falls, MA

**Commissioners Present:** Mark Fairbrother - Chair, Donna Francis, Alex Peterkin, and Justin Fermann.

**Commissioners Absent:** Deb Picking, Addie Rose Holland and Sean Werle.

**Staff:** Walter Ramsey – Conservation Agent

Mark Fairbrother called the meeting to order at 6:30 PM

**Approval of May 5, 2016 and June 9 2016 Minutes:** tabled to August meeting to allow for Commission to review.

### **PUBLIC HEARING (CONTINUED FROM 6/9/16) Notice of Intent #2016-01 / DEP File 229-0246**

filed by Louis Ekus to dredge a canal pond at a residence. The proposed work will dredge approximately 800 cubic yards of sediment; temporarily alter 20 feet of bank and affect 12,750 square feet of Riverfront Area. The property is located at 44 Center Street and is identified as Assessors Map 44 Lot 54.

Guest: Lou Ekus

401 Water Quality Certificate has not been issued and the schedule for its issuance is unknown. Neither the Commission, nor applicant wish to keep the hearing open for the unforeseeable future, as discussed at the 6/9/16 hearing. The commission is satisfied with any outstanding items raised by DEP and the Commissioners.

Agent recommended two findings and a standard order of conditions.

- The project was reviewed as limited project under 310 CMR 10.53(3)(g) because of the pond's status as a fire pond for the Montague Center Fire District.
- The Commission finds that the pond has historically been dredged as proposed and is thus a maintenance activity. No reasonable alternatives to dredging exist. Dredging was last permitted by the Commission in 1998 (see DEP File 229-150).

**Motion** made by Donna Francis to issue an Order of Conditions NOI # 2016-01 filed by Lou Ekus with finding of fact and standard conditions as presented. Seconded by Alex Peterkin. **Motion passed unanimously.**

**Request for Certificate of Compliance-Notice of Intent #02-05/ DEP File 229-0208** Single Family house at 145 Taylor Hill Road, identified as Assessors Map 51, Lot 89.

**Guest:** Bruce Young

Agent visited the site with Commissioner Peterkin on 7/7/2016. The single family house was constructed and all conditions appear to have been met. Agent recommended issuing the COC.

**Motion** made by Donna Francis to approve issuing a Certificate of Compliance for Notice of Intent #02-05 for property located at 145 Taylor Hill Road. Seconded by Alex Peterkin. **Motion passed unanimously.**

**PUBLIC MEETING Request for Determination RDA #2016-09** filed by Bruce Young for site work on an existing single family home. Work will include earth removal and installation of a retaining wall within the 100 foot buffer zone of bordering vegetated wetland. The property is located at 145 Taylor Hill Road Montague, MA and is identified as Assessors Map 51 Lot 89.

**Guest:** Bruce Young

The project is located at 145 Taylor Hill Road in Montague which consists of removing and clearing of a 15' x 75'hilly area in the back yard. The plan also includes installing a retaining wall and leveling the disturbed areas in the yard. Applicant intends to cover the yard with loam for planting a lawn. Site was visited by Agent and Alex Peterkin on 7/7/2016.

Work area is outside of the Riverfront Area. It is greater than 50 feet from BVW that was delineated and previously accepted by the Conservation Commission on August 11, 2005. The BVW is located at the base of a steep slope and across lawn from the work area. The slope and wetlands have not changed or been altered since the delineation was approved.

A discussion emerged about the storage location of the removed fill material. The applicant intends to come back to the commission for a NOI to construct a garage in the front yard. That area is located in Riverfront. There was discussion as to whether he could temporality store the fill in the front lawn where the garage will be. The Commission was not in a position to allow this on temporary basis under and RDA, as it amounted to fill in a Riverfront. Applicant will haul material off site or store outside any resource area.

Conservation Commission required that that erosion control measures at edge of lawn be noted on the final approved plan.

**Motion** made by Justin Fermann to issue a negative determination for RDA# 2016-09 filed by Bruce Young for property located at 145 Taylor Hill Road. Seconded by Donna Francis. **Motion passed unanimously.**

**Agent Updates:**

**Mormon Hollow Working Lands Corridor Project – Execute Project Agreements for Conservation Restrictions on Hunting (301 E. Chestnut Hill) and Smith (73 Mormon Hollow Road) properties.**

**Guest:** Jamie Pottern, Mt Grace Land Trust

Ms. Pottern announced that Mount Grace Land Trust was awarded a Landscape Partnership Grant which will purchase a conservation restriction for 2 working farms in Montague. The grant will also provide planning and associated activities in the development of Natural Resource protection zoning in Montague. The project must be completed by June 30, 2017.

Ms. Pottern asked the Commission to sign a project agreement that states that Commission will agree to co-hold a Conservation Restriction (CR) on these two properties with Mount Grace. The Commission is enthusiastic about the project. The parcels in the grant help connect key open space corridors identified in the Open Space and Recreation Plan. The formal CR will be worked out at later date.

**Motion** made by Mark Fairbrother to accept the Mormon Hollow Working Lands Corridor Project – and Execute Project Agreements for Conservation Restrictions on Hunting (301 E. Chestnut Hill) and Smith (73 Mormon Hollow Road) properties. Seconded by Justin Fermann. **Motion passed unanimously.**

**Motion** made by Justin Fermann to adjourn the meeting at 7:38PM. Seconded by Donna Francis. **Motion passed unanimously.**

Approved by: \_\_\_\_\_ Date: \_\_\_\_\_

**Exhibits:**

NOI 2016-01 File

NOI #02-05 File

RDA #2016-09 File

Mount Grace Land Conservation Trust Project Agreements